

GOVDOC

BRA

5176

BOSTON PUBLIC LIBRARY



3 9999 06543 485 2

PLANNING INFORMATION SERIES: HOUSING



# Chapter 774: Four Years Later

AN INTERPRETIVE ANALYSIS OF THE LAW  
AND A REVIEW OF ACTIVITIES



METROPOLITAN AREA PLANNING COUNCIL

051  
MAPC



Planning Information Series: Housing

CHAPTER 774: FOUR YEARS LATER

AN INTERPRETIVE ANALYSIS OF THE LAW  
AND A REVIEW OF ACTIVITIES

Metropolitan Area Planning Council  
44 School Street, Boston, Massachusetts 02108

The preparation of this report  
was financially aided through a federal  
grant from the United States Department  
of Housing and Urban Development.

August 1974



## CONTENTS

	page
Foreword.....	
Introduction.....	1
Intent of Chapter 774.....	2
Local Decision-Making Role.....	2
State Appeal Process.....	3
General Procedures and Timing.....	4
Determining Eligible Developments Information Needed by the Community.....	4 5
Applicability in Selected Communities.....	6
Materials for Submission to Local Boards of Appeals.....	8
Issues.....	8
Standards.....	12
Conclusions.....	12
Recommendations.....	13
Attachments:	ff. 13
1. Explanation of Terms Used.	
2. Maximum Housing Guideline for Communities in Council District.	
3. Maximum Land Area Guidelines.	
4. Status of Chapter 774 Cases, as of June 1, 1974.	
4A. Additional Information, June 1- August 15, 1974.	
5. Map - Chapter 774 Cases in the MAPC Region, as of June 1974.	





## FOREWORD

Over the last four years, Chapter 774, the Massachusetts "low and moderate income housing zoning law," has had a gradual but continuing impact on many communities in the MAPC region. The law itself as well as its use have stimulated discussion concerning regional and local housing needs, the necessity for local planning for housing, and the willingness of communities to accept a share of the region's need for low and moderate income housing. In addition, Chapter 774 has started to realize its legislative intent; i.e., to encourage the development of low and moderate income housing in the suburbs.

More communities are becoming actively involved in the Chapter 774 process. Local boards of appeals and the State Housing Appeals Committee have already approved 17 comprehensive permits for the construction of low and moderate income units in the MAPC Region. Construction has already begun on at least two housing developments which were approved on the local level. More construction appears imminent.\*

Because of the legal activity and experience of the past four years, Chapter 774 is evolving into a mechanism better able to implement its goals. Previous cases have set precedents for local and state decisions, and the state has recently adopted rules and regulations to assist the Housing Appeals Committee in conducting hearings and interpreting the law. Many ambiguities of the Chapter 774 appeals process have been eliminated and past experience has resulted in improved administrative procedures and a better understanding of the law.

Unless communities recognize that there are substantial housing needs that must be met and actively plan to meet these needs by zoning land for multi-family use -- and with standards that make the development of subsidized housing feasible--, Chapter 774 is likely to continue to play a major role in providing housing for low and moderate income households in the state and in the region.

---

\* Data in this paper is as of June 1, 1974. Information after this date will be found in Attachment 4A.





## Introduction

The Metropolitan Area Planning Council (MAPC), created by the Massachusetts Legislature in 1963 as the regional planning agency for the metropolitan Boston area, is responsible for conducting research, compiling and analyzing data, and developing and implementing plans for the physical, social, and economic improvement of the region.

This is the third of a series of papers that have been prepared by the MAPC on Chapter 774 of the Acts of 1969 (Massachusetts General Laws, in Chapter 40B, Sections 20-23). The first was prepared and distributed at the time Chapter 774 became effective in October 1969.\* The original paper was updated in March 1972\*\* when only six housing proposals had been made in five communities and the State Housing Appeals Committee had already issued its first two decisions relating to Concord and Hanover. Both decisions were being appealed to higher courts.

More than four years have now passed since the enactment of the law. The Massachusetts Supreme Court has upheld the constitutionality of Chapter 774. The State Housing Appeals Committee has rendered a total of twelve decisions encompassing 1,914 units in Massachusetts; eleven of these decisions approved comprehensive permits for 1,782 units and one decision denied a permit for 132 units. Nine of the twelve decisions approved comprehensive permits for 834 units of low and moderate income housing in the MAPC region. There are now seven cases relating to MAPC communities either pending final decisions or awaiting hearings before the Housing Appeals Committee for a total of 664 units. Five local boards of appeals have issued comprehensive permits for eight locally approved proposals for a total of 825 low and moderate income units.\*\*\*

With the benefit of more experience under Chapter 774, and the availability of more recent data on subsidized units, MAPC is again updating the Chapter 774 paper to aid the Council's member communities in planning for regional and local housing needs and to provide the communities with information that will assist them in evaluating housing proposals that they may be asked to consider under Chapter 774.

---

\* "Chapter 774: An Interpretive Analysis For Cities and Towns," October 1969.

\*\* "774 Plus Two: An Interpretive Analysis of Chapter 774 and A Review of Activities," Planning Information Series: Housing, March 1972.

\*\*\* Data is as of June 1, 1974.



The description of the law and its procedures remain substantively unchanged in this third paper. The major changes include an update of the statistics on the number of subsidized units,\* a chart indicating the Chapter 774 cases and their present status, and a review of issues most commonly considered in Chapter 774 cases.

The Housing Appeals Committee has clarified certain of its administrative procedures which are also included in this paper.

### Intent of Chapter 774

The intent of Chapter 774 is to stimulate the construction of housing for low and moderate income households in the suburbs. The law seeks to accomplish its intent by providing relief from local zoning, building, and other codes if such codes are determined to be an unreasonable impediment to the development of new housing. Only public agencies, nonprofit corporations, and limited dividend corporations involved in building publicly subsidized housing have recourse to the provisions of the law. The private, profit-motivated developer is not assisted by the law.

### Local Decision-Making Role

Proposals to build subsidized housing which require changes in local zoning or building codes must be initiated by a public housing authority, a nonprofit corporation, or a limited dividend corporation at the local level. Such a proposal is submitted to the local zoning board of appeals in the form of an application requesting a "comprehensive permit" or approval to proceed with the construction of subsidized housing. Municipalities are not required to make any changes in local zoning or building codes in advance of a specific development application.

The local zoning board of appeals in consultation with other local housing, building, and planning officials makes the initial determination on whether or not a comprehensive permit will be granted. Chapter 774 recognizes that such a determination will be based on local development objectives and planning standards, such as health and safety, good site and building design, and the preservation of open space, as well as on local and regional housing needs.

---

\* See also MAPC Planning Information Series: Housing, Subsidized Housing in the Boston Region as of December 31, 1973.





The zoning board of appeals has three courses of action: approval of an application and issuance of a comprehensive permit; approval of an application with conditions and requirements; and denial of an application. The zoning board of appeals may deny the application if the community already has a substantial quantity of units and land devoted to subsidized housing as measured by a formula contained in the law and discussed later in this paper.

As of June 1, 1974, applications for a comprehensive permit have been made in at least 28 instances in 18 communities in the MAPC region.

### State Appeal Process

When an application is denied at the local level or is approved with conditions making the development of subsidized housing economically unfeasible, the applicant may appeal to the Commonwealth for review and possible reversal of the local decision. A five-member Housing Appeals Committee (HAC) established within the Department of Community Affairs has the authority to rule on the action taken by the local zoning board of appeals. One of the five members represents the State Department of Community Affairs, and two of the five members must be a city councillor and a town selectman to be appointed by the governor. Presumably these two members in particular provide local representation sensitive to community needs.

The Committee must make one fundamental determination--whether denial of an application or conditional approval was consistent with local needs which, according to the law, include regional housing needs. If the Committee decides that the local decision was consistent with local needs, even when imposed conditions make the proposed housing uneconomic, the decision of the local zoning board of appeals stands. If the Committee finds that the local decision was inconsistent with local needs, it is empowered to direct the zoning board of appeals to issue a comprehensive permit.

To date, the State Housing Appeals Committee has rendered decisions on 10 cases in the MAPC region. In 9 cases, the Committee reversed the local decision and directed the local board of appeals to grant the comprehensive permit; in one case, the Committee upheld the decision of the local board of appeals. Seven cases are now pending. (For a summary chart of applications and activities under Chapter 774 to date, see Attachment #4 entitled "Status of Chapter 774 Cases in the MAPC Region.")





### General Procedures and Timing

The procedures for filing for local approval under Chapter 774, are fully specified in the law. Briefly, the local board of appeals must hold a hearing within 30 days of receipt of an application for a comprehensive permit. Within 40 days of the termination of hearing, the local board must render a decision. Any person aggrieved by the issuance of a permit or approval may go to Superior Court.

An applicant denied a permit or receiving what he believes to be unreasonable conditional approval has 20 days after the board of appeals decision to appeal to the State Housing Appeals Committee. The Committee must hold a hearing on such an appeal within 20 days after receipt of the applicant's statement. After what usually is a series of hearings and after the transcripts from these hearing have been submitted, the counsels for the community and for the developer must submit briefs. In practice, this process can take as long as several weeks after the last hearing held by the Committee. The Committee then has 30 days to render a written decision, which may subsequently be reviewed in Superior Court. The board of appeals has 30 days to comply with the decision of the Housing Appeals Committee.

### Determining Eligible Developments

Chapter 774 sets forth community guidelines for determining whether a proposed housing development must be deemed eligible for consideration by the local zoning board of appeals under the special provisions of this law. These statutory guidelines are based on the number of units and the amount of land in a community devoted to subsidized housing. There is both a maximum guideline and an annual guideline.

The maximum guideline indicates that a proposed development is eligible for consideration if the total number of subsidized low and moderate income housing units does not exceed 10 percent of the existing housing stock in the community as reported in the latest federal census or if the total amount of land area occupied by subsidized housing does not comprise 1.5 percent or more of the land area zoned for residential, commercial, and industrial use excluding publicly owned land.



The annual guideline indicates that a development is eligible for consideration if the aggregate area of housing sites proposed for development for low and moderate income housing during any one calendar year does not exceed 0.3 percent of the land area zoned for residential, commercial, and industrial use excluding publicly owned land, or 10 acres, whichever is larger.\*

Four MAPC communities have fulfilled the statutory maximum housing unit guideline: Cambridge, Malden, Milford and Salem.\*\*

Two MAPC communities have fulfilled the maximum land area guideline: Lynn and Malden.

#### Information Needed by the Community

The Chapter 774 statutory guidelines indicate that specific information will be needed by a community to determine the eligibility of proposed housing developments under Chapter 774. The following information pertaining to housing and land use is essential.

The number of housing units in the community as reported in the latest Federal census.

The number of subsidized housing units in the community for low and moderate income households.

The amount of land in the community zoned for residential, commercial, and industrial use, which in most cases will be the total land area in the community.

The amount of land (including streets) in the community owned by the federal government, state, county, special districts, authorities, and municipality.

---

\* If the proposal does exceed the guideline, the developer may still apply for a comprehensive permit at the local level. However if he is denied a permit and appeals the local decision, the State Housing Appeals Committee is likely to uphold the local decision.

\*\* According to the Boston Redevelopment Authority, Boston is exempt from the provisions of Chapter 774: The law states that a developer proposing to build low or moderate income housing must apply to the Board of Appeals established under Chapter 40A (the state zoning enabling legislation for cities and towns, except Boston), and since Chapter 40A does not apply to Boston, it follows that Chapter 774 does not apply to Boston. At any rate, over 10% of the housing units in Boston are subsidized.





For Council communities the housing unit statistics listed above are shown in Attachment #2. The zoned and publicly owned land information does not appear to be readily available. This strongly suggests that communities should analyze the applicability of Chapter 774 locally by compiling and maintaining the pertinent land use information to test the statutory guidelines.

### Applicability in Selected Communities

To demonstrate the method of testing the applicability of the maximum and annual guidelines, the Council has compiled data for selected communities. Three community case studies, Malden, Lynn, and Lexington are presented here.

#### MALDEN

Malden had 19,293 housing units in 1970, according to the U.S. Census. The 10 percent maximum housing guideline is therefore 1929 subsidized units. At the present time Malden contains 2,223 units of subsidized low and moderate income housing, 294 units more than the 10 percent figure.

Malden has 3,197 acres zoned for residential, commercial and industrial use and 1,140 acres of publicly owned land, or 2057 net acres subject to the guideline. The maximum land area guideline of 1.5 percent equals 31 acres. Existing subsidized housing in Malden occupies 62 acres.

Malden fulfills both its maximum housing guideline and its maximum land area guideline. In such a case, if a developer should apply to the local board of appeals for a comprehensive permit, and if the board of appeals does not grant the permit and the developer appeals to the State Housing Appeals Committee, the Housing Appeals Committee is likely to uphold the decision of the Malden Board of Appeals.

#### LYNN

Lynn had 32,603 housing units in 1970 according to the U.S. Census. The 10 percent maximum housing guideline is therefore 3260 units. At the present time Lynn contains 1,972 units of subsidized low and moderate income housing, 1,288 units less than the 10 percent figure.





Lynn has 6,707.2 acres of land zoned for residential, commercial, and industrial use and 2888.1 acres of publicly owned land, or 3,825.1 net acres subject to the guideline. The maximum land area guideline of 1.5 percent equals 57.4 acres. Existing subsidized housing in Lynn occupies 129.8 acres.

Although Lynn does not meet the maximum housing guideline, it fulfills the maximum land area guideline. Consequently, although a qualified developer may apply to the local board of appeals for a comprehensive permit, if the board of appeals does not grant the permit and the developer takes the case to the Housing Appeals Committee, the State Housing Appeals Committee is likely to uphold the decision of the Lynn Board of Appeals.

#### LEXINGTON

Lexington had 8,859 housing units in 1970, according to the U.S. Census. The 10 percent maximum housing guideline is therefore 886 units. Lexington currently has 157 units of publicly subsidized housing, well below the maximum housing guideline.

There are 7,067 acres of privately owned land in Lexington zoned for residential, commercial, and industrial use. The maximum land area guideline of 1.5 percent equals 106 acres. Existing subsidized housing in Lexington occupies 15 acres.

Since Lexington does not meet either part of the maximum guidelines, the annual guideline applies. The annual guideline indicates that in Lexington eligible developers may submit under Chapter 774 proposals for sites containing up to 21 acres, which is 0.3 percent of the 7,067 acres of privately owned land zoned for residential, commercial, and industrial use. If an application is rejected, or approved with conditions deemed to make the project uneconomic, the developer may then appeal to the Housing Appeals Committee.

In addition, developments of similar scale may be submitted to the local board of appeals under this Chapter in subsequent years until the maximum area of 106 acres is reached.



## Materials for Submission To Local Boards of Appeals

The Department of Community Affairs suggests that an applicant for a comprehensive permit submit certain materials to the local Board of Appeals.\* These materials include:

- . Documents that prove the applicant's status as a non-profit, limited dividend, or housing authority.
- . Sufficient documents to prove the applicant's property interest in the site.
- . FHA or MHFA site approval or other document showing the funding agency's interest in the development.
- . Statistics that demonstrate a local need for the development.\*\*
- . Description of the development, including an overall site plan for the development and a floor plan of a typical unit.

The applicant may avoid possible misunderstandings with the community if he presents substantial evidence that the proposed development will both fulfill a housing need and be compatible with the existing character of the surrounding neighborhood.

## Issues

In the cases that have been heard by the State Housing Appeals Committee a number of planning issues have consistently been raised by the local communities. Some of the most common concerns have related to traffic, number of parking spaces, fire prevention, potential drainage problems, and the impact of the proposal on the school system. When making its determination on these matters,

---

\* "Suggested Procedure for '774' Hearing on Local Level," July 6, 1972, prepared by the Department of Community Affairs.

\*\* In practice, communities and developers have utilized various sources to substantiate a need for low and moderate income housing. The U.S. Census of 1970, Planning Board Reports, Town Meeting reports, housing needs surveys, income statistics, age distribution of the community's population, statistics on the number of welfare recipients in the town, and Attachment #2 of this report are examples of such sources.





the Housing Appeals Committee is obligated to make its decision only on the basis of those criteria written into the law itself. Accordingly, the Housing Appeals Committee is required to determine only whether the proposal is "consistent with local needs". The definition of this term, however, includes several criteria: (1) whether the requirements set by the local Board of Appeals are reasonable in view of local and regional low and moderate income needs; (2) whether the proposal is consistent with local development objectives concerning health, safety, site and building design, and the preservation of open space; and (3) whether the requirements are applied equally to subsidized and unsubsidized housing.

To determine whether the proposal is "consistent with local needs", the Housing Appeals Committee makes the following determinations:

- 1) It finds whether the community meets any one of the mathematical criteria set out in the law (i.e., whether it has met the statutory guidelines). If one of these formulas has been fulfilled, then the committee must uphold a local Board's denial as "consistent with local needs."
- 2) If neither of the guidelines have been met, the Committee then must balance health and safety hazards or site design, or need for open space, against the regional need for low and moderate income housing. Here the Housing Appeals Committee examines each issue and rules whether alleged health and safety hazards are in fact dangerous to the welfare of the residents of the development and the surrounding community, and balances these factors against the regional need for low and moderate income housing and the number of low income persons in the city or town.

In cases where the Housing Appeals Committee has overturned the local denial of a permit, some typical findings of the Housing Appeals Committee are presented below.

TRAFFIC: A number of communities have objected to the increased traffic flow resulting from the proposed development. In answering an objection to increased traffic flow, in one case, the Housing Appeals Committee found that "the traffic conditions...do not present health or safety hazards which outweigh regional needs for low and moderate income housing."





PARKING: Some towns have objected to the developer's provision of only one parking space for each dwelling unit. The Committee found that such a provision is "sufficient parking" for both tenants and guests.

SCHOOLS: Many communities have argued against the developer's proposal on the ground that the children from the development would burden the school system with a substantially increased enrollment. In response to the allegation that the increased number of school children would exacerbate the problems of crowded schools and rising school costs, the Housing Appeals Committee stated in one decision: "To be relevant, the problem would have to reach crisis proportion where it could be shown that the actual threat to health and safety was involved."

FIRE PREVENTION: Some communities have contended that the developer has not provided for sufficient fire protection. In one case, the Housing Appeals Committee examined the issue of potential fire hazards. The Committee noted that the applicant for a comprehensive permit "must build according to 'FHA specifications which are much concerned with fire danger." In another case, the Committee listed four items that it deemed necessary for fire protection in the proposed development.

DETAILED PLANS: Some communities have objected to housing proposals on the grounds that the applicant presented insufficient construction plans to the local Board of Appeals. The communities stated that the plans lacked detailed specifications and prevented the local Board of Appeals from making a determination. In response to this objection, the Housing Appeals Committee ruled "that detailed construction plans need not be submitted with the initial application." The Committee explained that an application for a comprehensive permit is similar to applying to the planning department for a site or feasibility approval, that it is not an application to the building department for a permit to construct. The Committee ruled that "the plans which had to be prepared for FHA or M&FA's preliminary approval would suffice for initial submission for a comprehensive permit."



Eventually, the applicant must produce detailed construction plans under the rules and requirements of the subsidy financing agency. The Committee found, however, that at the initial stage it would be unreasonable to require the applicant to invest in detailed plans having no assurance of a permit.

**DRAINAGE:** A number of communities have objected to housing proposals because of drainage problems. In one case, for example, the town stated that a serious water problem existed on the proposed site. The Housing Appeals Committee's decision hinged on this issue and its potential problems -- flooding and sewage overflow. Both the town and the developer supplied expert witnesses and the issue was exhaustively examined. The Housing Appeals Committee concluded: "The (developer) need only show that the measures it proposes to take will create safe and sanitary conditions for the occupants of the development and that they will not worsen the water conditions now plaguing the surrounding neighborhood." The Committee found that the proposal had sufficient safeguards to protect the surrounding neighborhood and the tenants of the development.

In the single case where the Housing Appeals Committee has upheld the decision of the local Board of Appeals and denied a comprehensive permit to the developer, the proposal constituted an obvious drainage problem. In this case, the Housing Appeals Committee found that the "site is practically continuously under water." The Committee requires a drainage plan when there is an obvious drainage problem which constitutes a serious health and safety hazard. The applicant for the comprehensive permit did not submit the required drainage plan. The developer also did not secure a preliminary site approval from the financing agency. In its decision, the Housing Appeals Committee stated: "MHFA's tentative site approval would have scored heavily in the petitioner's favor." Because there was no drainage plan or preliminary site approval the Housing Appeals Committee assumed that a sufficient solution to the water problem would not be forthcoming. The Committee found that the drainage problem was a health and safety hazard which could adversely affect the surrounding area.





## Standards

Chapter 774 itself does not set any planning standards. Rather, the Housing Appeals Committee may consider only those factors that will seriously affect the health and safety of the development and the community. The law does, however, refer to the building and site plan requirements of the Federal Housing Administration (FHA) and the Massachusetts Housing Finance Agency (MHFA) as minimum standards acceptable under the provisions of the law. In every decision, therefore, the Committee stipulates that the proposal must meet the standards of the financing agency.

## Conclusion

Chapter 774 is one step in a growing effort to develop programs to meet the critical housing needs of low and moderate income households. Through the law cities and towns are given the opportunity to respond to specific housing proposals and to participate in finding solutions to the housing shortage. For the local housing authority the law can facilitate the process of selecting and acquiring sites for the construction of public housing. For the local boards it offers the chance to work closely with nonprofit housing corporations and limited dividend developers as well as local housing authorities. The law also can encourage the use of new technology and the improvement of local procedures related to the building of housing.

It is essential to understand that no agency of the state or municipal government is authorized, compelled or required to construct any low or moderate income housing by Chapter 774. The law merely creates a method whereby public housing authorities, nonprofit corporations, and limited dividend corporations may apply for relief from restrictive provisions in local zoning and building codes. The initiative remains with these developers to find a site, to obtain financing and to develop a low or moderate income housing proposal. The law has no ameliorating effect on the availability of sites, the high cost of land, or the scarcity of federal and state funds for housing, each of which has a significant effect on the production of housing.

The most innovative provision of the law is the introduction of the comprehensive permit. Traditionally a developer has had to apply for separate approvals and permits from separate local boards responsible for administering zoning, subdivision control, building, housing, plumbing, electrical, and fire prevention ordinances.





In each case administration is a local responsibility performed by various officials. Zoning, subdivision control, and building codes\* are prepared and adopted locally, while all others are statewide minimum codes. Under Chapter 774 the local board of appeals, after notifying all applicable local boards and soliciting their opinions, holds a hearing as to the suitability of the proposal. The board of appeals, if it accepts the proposal, is authorized to issue a comprehensive permit which covers all codes. Hence, the traditional procedures may be streamlined into one application, one hearing, and one comprehensive permit or approval.

### Recommendations

It is recommended that each community collect the housing data prescribed in the law as a basis for determining the eligibility of proposed developments. Each community should also initiate the preparation of a community housing plan based on local and regional housing needs, condition and type of existing housing, and the availability of suitable sites for new construction. A housing plan that is an integral part of the local comprehensive planning process will serve to encourage low-moderate income housing development in locations consistent with sound land use planning and with adequate services and facilities.

The principle that sound land use planning should underlie the local application of Chapter 774 is implied in the definition of "consistent with local needs" written into the law. The development of local standards for low and moderate income housing, based on local conditions as well as regional concerns, will assist a community in evaluating Chapter 774 proposals and also serve as a tool for implementing a community's housing plan.

---

\* A state-wide building code will become effective in January 1975.



Attachment 1: Explanations of Terms Used in Section 20 of Chapter 774

Low and moderate income housing: Any housing for low or moderate income households subsidized by the federal or state governments. This definition covers regular public housing, leased public housing, elderly housing, moderate rental housing, home ownership, and rehabilitation grant programs.

Eligible developers: Three types of eligible developers are entitled to use the provisions of Chapter 774: public agencies, nonprofit corporations, and limited dividend corporations.

A public agency is a local housing authority authorized to construct or operate low rent housing under Chapter 121 of the General Laws.

A nonprofit corporation is a corporation formed under Chapter 180 of the General Laws for social, civic, educational, charitable or religious purposes, such as the construction or operation of housing.

A limited dividend corporation is a corporation formed to construct or operate housing, whose profit is limited by law to no more than 6 percent per year.

Uneconomic: Any condition that makes it infeasible for a public agency or nonprofit corporation to maintain the proposed rent levels and the proposed housing unit sizes without suffering financial loss or for a limited corporation to realize a reasonable profit.

Consistent with local needs: This term contains three criteria and means that local development controls, such as zoning and building codes, must be determined: 1) to be reasonable in view of local and regional low and moderate income housing needs, 2) to be consistent with local development objectives concerning health, safety, site and building design, and the preservation of open space, and 3) to be applied as equally as possible to subsidized and unsubsidized housing.

Comprehensive permit or approval: The local board of appeals has the authority to issue to an eligible developer a single document taking the place of all necessary local permits and approvals, which enables the developer to proceed legally with construction.





Attachment 2: Maximum Housing Guideline under Chapter 774 for Communities in the Council District

<u>Community</u>	1. 1970 <u>Units</u>	2. Statutory Housing <u>Guideline</u>	3. Existing Subsidized <u>Units</u>	4. Current Housing <u>Deficit</u>
Acton	4,195	420	1	419
Arlington	17,921	1,792	584	1,208
Ashland	2,532	253	40	213
Bedford	3,327	333	92	241
Bellingham	3,686	369	65	304
Belmont	9,456	946	180	766
Beverly	12,091	1,209	534	675
Bolton	571	57	0	57
Boston	232,448	23,245	35,533	0
Boxborough	410	41	0	41
Braintree	9,737	974	373	601
Brookline	23,323	2,332	1,229	1,103
Burlington	5,423	542	45	497
Cambridge	37,668	3,767	5,121	0
Canton	4,673	467	171	296
Carlisle	788	79	0	79
Chelsea	10,494	1,049	812	237
Cohasset	2,216	222	64	158
Concord	4,444	444	42	402
Danvers	7,332	733	134	599
Dedham	7,776	778	235	543
Dover	1,305	131	0	131



Attachment 2: (continued)

<u>Community</u>	1.		2.		3.		4.	
	1970	<u>Units</u>	Statutory Housing Guideline	Existing Subsidized Units	Current Housing Deficit			
Duxbury	2,521		252	1	251			
Essex	1,086		109	41	68			
Everett	14,171		1,417	672	745			
Foxborough	3,881		388	105	283			
Framingham	19,451		1,945	1,668	277			
Franklin	4,509		451	196	255			
Gloucester	10,505		1,051	415	636			
Hamilton	1,999		200	40	160			
Hanover	2,613		261	0	261			
Hingham	5,337		534	62	472			
Holbrook	3,269		327	65	262			
Holliston	3,248		325	48	277			
Hopkinton	1,836		184	92	92			
Hudson	4,642		464	112	352			
Hull	4,558		456	69	387			
Ipswich	3,729		373	200	173			
Lexington	8,859		886	155	731			
Lincoln	1,917		192	0	192			
Littleton	1,988		199	0	199			
Lynn	32,603		3,260	1,972	1,288			
Lynnfield	3,011		301	0	301			
Malden	19,293		1,929	2,223	0			
Manchester	1,814		181	33	148			





## Attachment 2: (continued)

Community	1.	2.	3.	4.
	1970 <u>Units</u>	Statutory Housing Guideline	Existing Subsidized Units	Current Housing Deficit
Marblehead	7,599	760	210	550
Marlborough	8,878	888	242	646
Marshfield	5,359	536	129	407
Maynard	3,122	312	57	255
Medfield	2,381	238	40	198
Medford	19,860	1,986	1,233	753
Medway	2,148	215	107	108
Melrose	10,219	1,022	384	638
Middleton	1,254	125	54	71
Milford	6,190	619	843	0
Millis	1,553	155	72	83
Milton	8,058	806	139	667
Nahant	1,397	140	14	126
Natick	8,984	898	220	678
Needham	8,674	867	232	635
Newton	27,425	2,743	449	2,294
Norfolk	1,139	114	1	113
No. Reading	3,045	305	41	264
Norwell	2,119	212	0	212
Norwood	9,321	932	315	617
Peabody	14,418	1,442	555	887
Pembroke	3,373	337	56	281
Quincy	29,173	2,917	2,510	407



Attachment: 2 (continued)

<u>Community</u>	1. 1970 <u>Units</u>	2. Statutory Housing <u>Guideline</u>	3. Existing Subsidized <u>Units</u>	4. Current Housing Deficit
Randolph	7,381	738	238	500
Reading	6,466	647	80	567
Revere	14,635	1,464	877	587
Rockland	4,257	426	183	243
Rockport	2,956	296	80	216
Salem	14,119	1,412	1,468	0
Saugus	7,326	733	86	647
Scituate	5,617	562	92	470
Sharon	3,470	347	65	282
Sherborn	894	89	0	89
Somerville	29,757	2,976	2,148	828
Southborough	1,616	162	0	162
Stoneham	6,514	651	182	469
Stoughton	6,504	650	508	142
Stow	1,158	116	0	116
Sudbury	3,394	339	0	339
Swampscott	4,399	440	120	320
Topsfield	1,405	141	0	141
Wakefield	7,853	785	162	623
Walpole	4,838	484	64	420
Waltham	18,560	1,856	778	1,078
Watertown	12,842	1,284	432	852
Wayland	3,669	367	56	311





Attachment: 2 (continued)

<u>Community</u>	1. 1970 <u>Units</u>	2. Statutory Housing <u>Guideline</u>	3. Existing Subsidized <u>Units</u>	4. Current Housing <u>Deficit</u>
Wellesley	7,951	795	168	627
Wenham	982	98	0	98
Weston	2,785	279	0	279
Westwood	3,570	357	78	279
Weymouth	15,996	1,600	987	613
Wilmington	4,429	443	41	402
Winchester	6,543	654	0	654
Winthrop	6,894	689	357	332
Woburn	10,794	1,079	460	619
Wrentham	1,795	180	66	114
<u>Total</u>	<u>975,714</u>	<u>97,572</u>	<u>71,103</u>	<u>40,689</u>

1. From 1970 U.S. Census of Housing

2. Equals 10 percent of 1970 units, as per Chapter 774

3. Housing Units completed or under construction as of December 31, 1973

4. Housing Guideline minus existing subsidized units



Attachment 3: Maximum and Annual Land Area Guidelines under Chapter 774  
for Selected Communities in the Council District

<u>for Selected Communities in the Council District</u>					<u>Annual</u>
	<u>Maximum Land Area Guideline in Acres</u>				<u>Land Area</u>
					<u>Guideline</u>
					<u>in Acres</u>
<u>Community</u>	<u>Total Land</u>	<u>Public</u>	<u>Total Land Minus</u>	<u>1.</u>	<u>2.</u>
	<u>in Community</u>	<u>Lands</u>	<u>Public Lands</u>	<u>Ch. 774</u>	<u>Ch. 774</u>
				<u>Guideline</u>	<u>Guideline</u>
Brookline	4,362	1,227	3,135	47.0	17.9
Lexington	10,650	3,583	7,067	106.0	15.0
Lynn	6,707	2,888	3,829	57.4	129.8
Malden	3,197	1,140	2,057	30.9	62.0
Needham	8,010	2,710	5,300	79.5	10.5
Newton	11,406	821	10,585	158.8	6.8
Peabody	10,880	1,075	9,805	147.1	25.0

1. The maximum guideline is 1.5 percent of the total land area minus the publicly owned land.
2. The annual guideline is 0.3 percent of the total land area minus the publicly owned land, or 10 acres, whichever is larger.





## Attachment 4:

## STATUS OF CHAPTER 774 CASES IN THE MAPC REGION

AS OF June 1, 1974

## Developer:

	Community	Nonprofit (NP) Limited Dividend (LD) Housing Authority (HA)	Elderly Or Non-Elderly	Number Of Units	Local Board Of Appeals Decision	Housing Appeals Committee Decision
Permits Granted By The Local Boards Of Appeal	Beverly Beverly Braintree Weymouth * Weymouth * Winchester Winchester Woburn	NP LD NP HA NP LD LD HA	Elderly Elderly Elderly Elderly Elderly Non-Elderly Non-Elderly Elderly	115 100 95 70 200 45 110 90	Granted Granted Granted Granted Granted Granted Granted Granted	
Cases Decided By State Housing Appeals Committee	Bedford Beverly Concord Hanover Lexington Maynard Norwood Waltham Weymouth Woburn **	LD NP NP LD NP LD LD HA LD LD	Non-Elderly Non-Elderly Non-Elderly Elderly Non-Elderly Non-Elderly Non-Elderly Non-Elderly Elderly Non-Elderly	96 104 60 88 6 156 150 24 150 132	Denied Denied Denied Denied Denied Denied Denied Denied Denied Denied	Granted Granted Granted Granted Granted Granted Granted Granted Granted Denied
Cases Pending Before HAC	Acton Concord Dedham	HA LD LD	Elderly Non-Elderly Elderly	68 58 88	Denied Granted *** Denied	Pending Pending Pending

\* Under construction

\*\* Only case in which the Housing Appeals Committee upheld the local decision

\*\*\* Subject to conditions not acceptable to developer



## Attachment 4A:

Additional Information June 1 - August 15,,1974

## Developer:

Nonprofit (NP)

Limited Dividend (LD)

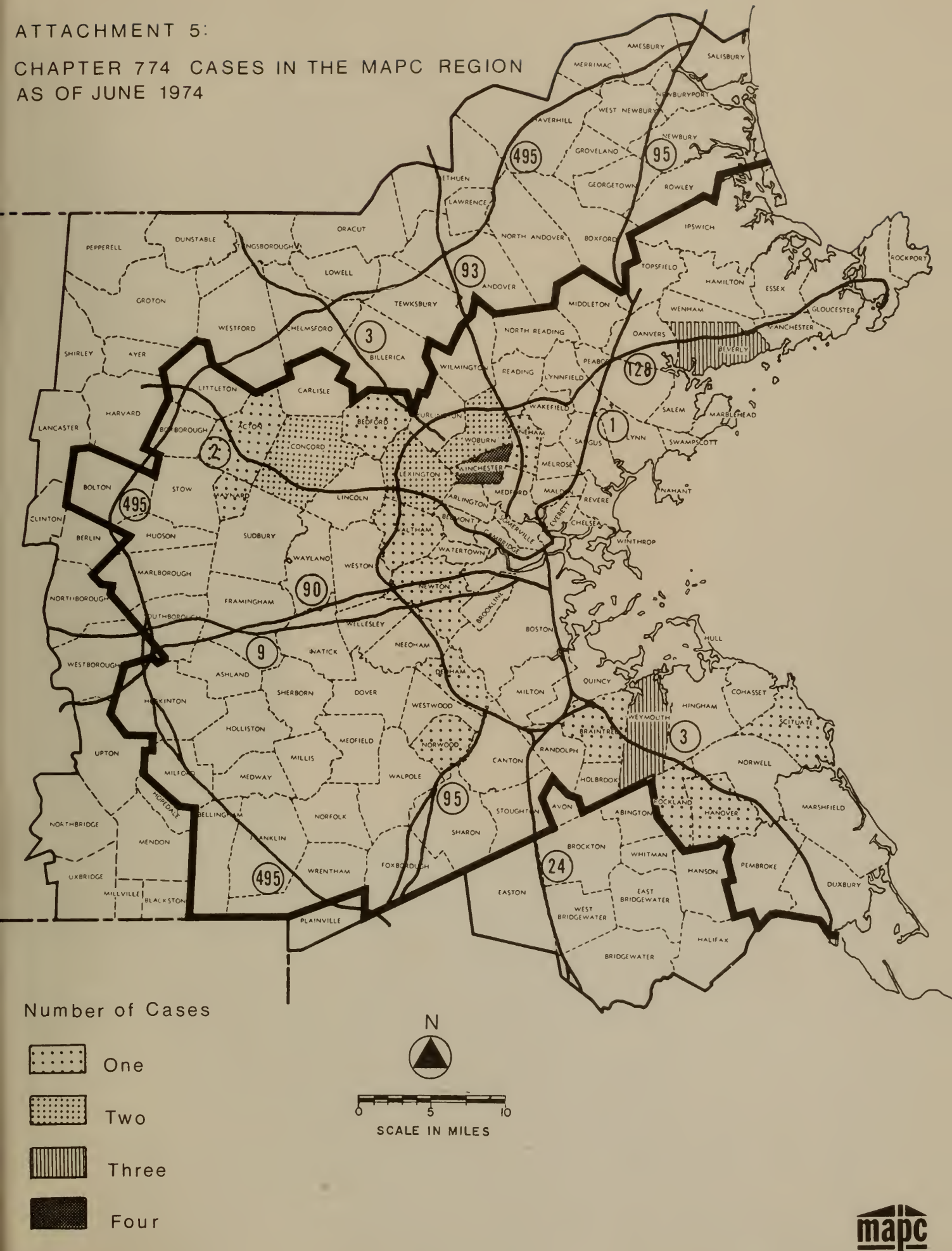
Housing Authority (HA)

Cases Decided By State Housing Appeals Committee	Community	Developer: Nonprofit (NP) Limited Dividend (LD) Housing Authority (HA)	Elderly Or Non-Elderly	Number Of Units	Local Board Of Appeals Decision	Housing Appeals Committee Decision
	Acton	HA	Elderly	68	Denied	Granted
Cases Pending Before HAC	Lexington Newton	LD LD	Non-Elderly Non-Elderly	44 140	Denied Denied	Pending Pending
Cases Under Construction	Bedford Beverly	LD NP	Non-Elderly Non-Elderly	96 104	Denied Denied	Granted Granted





ATTACHMENT 5:  
CHAPTER 774 CASES IN THE MAPC REGION  
AS OF JUNE 1974





D51 MAPC

D5 MAPC

MA Chapter 774: Four years  
Ch later.

BOSTON  
PUBLIC  
LIBRARY

